AO 91 (Rev. 02/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED
MAY 19 2016
Clerk of Court

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America
v.
1. Jesus Ramsay Garcia YOB 1988
2. Christopher Rodriguez YOB 1992

Defendant

Case No. M-16-0963-M

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 05/16/2016 in the county of Hidalgo in the Southern District of Texas, the defendant violated Title 21 U. S. C. § 841(a)(1) and 843, an offense described as follows:

Knowingly and unlawfully possessed with the intent to distribute a controlled substance listed under Schedule 1 Title II of the Controlled Substances Act, to wit approximately 16.39 kilos (36 lbs 2.1 oz.) of Marijuana, and knowingly used a communication facility, The United States Postal Service, in facilitating the commission of an act constituting a felony.

This criminal complaint is based on these facts:

See attached Affidavit

☑ Continued on the attached sheet.

OK to file. TST

Complainant's signature

Mirella Slawson, US Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/19/2016

Judge's signature

City and state: McAllen, TX

Dorina Ramos, US Magistrate Judge

Printed name and title

COUNTY OF HIDALGO *

*

STATE OF TEXAS *

I, Mirella Slawson, having been duly sworn, do hereby depose and state:

1. I am a United States Postal Inspector, currently assigned to the Houston Division Office in McAllen, Texas and have been employed as a Postal Inspector for twelve and a half years. I have been trained as a Prohibited Mail Specialist and investigate offenses involving the US Mail, to include narcotics shipped via the US Mail. As part of my duties as a Prohibited Mailing Specialist, I investigate the use of the U. S. Mails to illegally mail and receive controlled substances and drug trafficking instrumentalities, in violation of Title 21, United States Code, Sections 841 (a) (1) and 843. I have participated in investigations, which have resulted in the arrest of individuals who have received and distributed controlled substances, as well as the seizure of the illegal drugs.

2. Investigations by Postal Inspectors and other federal, state and local law enforcement officials indicate that the area of South Texas, sometimes referred to as "the Valley," is a significant crossing point for illegal drugs into the United States of America. The U. S. Postal Service is one of the means used for transporting both the illegal controlled substances and the money used to pay for those illegal controlled substances. Numerous parcels found to contain illegal controlled substances have been mailed from the Texas Rio Grande Valley for delivery in other cities in the United States. The McAllen Domicile conducts a continuous drug interdiction program in attempt to decrease the amount of narcotics being shipped via the US Mail.

3. On May 16, 2016, Postal Inspector Slawson received a call from investigators from the McAllen Police Department Special Investigation Unit regarding two individuals they had arrested for Possession of Marijuana. Investigators advised that while conducting surveillance at "Office Depot" in

McAllen, TX, they observed two male individuals attempt to mail a large cardboard box suspected of containing narcotics. For unknown reasons, the individuals quickly left "Office Depot" after an employee attempted to assist them with the mailing. The McAllen Police Department conducted a traffic stop and received consent to search the vehicle, a white Ford truck. Inside the vehicle, investigators located the brown cardboard box observed by the investigators at "Office Depot". A consent search of the brown cardboard box found it contained approximately 7.5 lbs of Marijuana. Inside the vehicle, investigators also found a receipt from "KC Postal Center" and a receipt from "The Mailing Store" located in McAllen, TX. The receipts were dated May 16, 2016, and indicated two Priority Mail boxes had been mailed at approximately 1:08 PM from "KC Postal Center" and two Priority Mail boxes had been mailed at approximately 1:26 PM from "The Mailing Store." The suspects denied any knowledge of the boxes and stated the mailing receipts did not belong to them. The individuals were identified as Jesus Ramsay GARCIA of Mission, TX and Christopher RODRIGUEZ of McAllen, TX.

4. Postal Inspector Slawson intercepted the four Priority Mail boxes on May 16, 2016 and found the boxes were similar in size and shape as the box found inside the suspects' vehicle and which contained Marijuana. On May 17, 2016, Postal Inspector Slawson obtained surveillance video of the mailings from May 16, 2016 at "KC Postal Center" and "The Mailing Store". Surveillance video at "KC Postal Center" showed GARCIA and RODRIGUEZ arrive in a white Ford truck. GARCIA was the driver of the truck and RODRIGUEZ the passenger. GARCIA and RODRIGUEZ retrieved two brown cardboard boxes from the bed of a white Ford truck. RODRIGUEZ carried the two brown cardboard boxes inside "KC Postal Center" and GARCIA followed. Surveillance video showed both GARCIA and RODRIGUEZ participated in mailing the brown cardboard boxes. The boxes were mailed via US Postal Service Priority Mail. Surveillance video from "The Mailing Store" showed GARCIA and RODRIGUEZ entered the business each carrying a brown cardboard box. GARCIA also completed additional documentation required by the business in order to mail the boxes. The boxes were mailed via US Postal Service Priority Mail.

5. On May 17, 2016, Postal Inspector Slawson interviewed Christopher RODRIGUEZ at the McAllen Police Department. RODRIGUEZ was read his Miranda Rights and provided a written waiver of his Miranda Rights and agreed to the interview. RODRIGUEZ stated GARCIA contacted him via telephone and told him "they" would pay him $100 to mail some boxes. RODRIGUEZ stated he did not know who "they" were, but only made arrangements with GARCIA. GARCIA picked-up RODRIGUEZ from his residence in McAllen and they drove to "KC Postal Center" and mailed two boxes. Both then traveled to "The Mailing Store" and mailed two more boxes. RODRIGUEZ insisted the boxes did not belong to him and he was being paid to mail the boxes. When Inspector Slawson inquired if he knew the contents of the boxes, RODRIGUEZ stated he assumed the boxes contained narcotics. RODRIGUEZ stated GARCIA asked him for his home address and did not realize that the address would be used as the return address on the boxes mailed from "KC Postal Center". RODRIGUEZ denied writing the labels on the boxes, but at the time of his arrest investigators found additional mailing labels inside his pants pocket. RODRIGUEZ also denied packing the boxes and stated his fingerprints would not be found inside the boxes. Inspector Slawson attempted to interview GARCIA, but he refused to be interviewed without the presence of a lawyer.

6. On May 18, 2016 Postal Inspector Slawson obtained a federal search warrant for the four parcels mailed from "KC Postal Center" and "The Mailing Store" by GARCIA and RODRIGUEZ on May 16, 2016 (M-16-0963-M). Inspector Slawson found the four parcels contained a total of 16.39 kilos of field-tested Marijuana.